

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

TOSHIA RIVERS,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION FILE NO.:
	)	
v.	)	
	)	[Removed from
	)	The State Court of
WAL-MART STORES EAST, L.P.,	)	DeKalb County;
ABC CORPS #1-3, AND JOHN DOES #1-3)	)	Civil Action File No.
	)	23A01805],
	)	
Defendants.	)	

**DEFENDANT WAL-MART STORES EAST L.P.'S ANSWER**

**AND DEMAND FOR JURY TRIAL**

Comes now, Wal-Mart Stores East L.P. , by and through counsel of record,  
files this its Answer to Plaintiff's Complaint and shows as follows:

**FIRST DEFENSE**

The plaintiff's failure to specifically state the special damages she is seeking  
in this litigation bars her recovery.

**SECOND DEFENSE**

Plaintiff's Complaint fails to state a claim upon which relief can be granted.

THIRD DEFENSE

Defendant pleads comparative negligence.

FOURTH DEFENSE

Defendant pleads assumption of the risk.

FIFTH DEFENSE

Responding to the specific allegations of the numbered paragraphs of plaintiff's Complaint, defendant answers:

1.

Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Complaint and can neither admit nor deny same.

2.

Defendant admits the allegations contained within this paragraph of Plaintiff's Complaint.

3.

Defendant admits the allegations contained within this paragraph of Plaintiff's Complaint.

4.

Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Complaint and can neither admit nor deny same.

5.

Defendant denies the allegations contained within this paragraph of Plaintiff's Complaint.

6.

Defendant denies the allegations contained within this paragraph of Plaintiff's Complaint.

7.

Defendant admits that it operates and manages the store located at 4375 Lawrenceville Hwy Tucker, GA. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Complaint and can neither admit nor deny same.

8.

Defendant admits that Plaintiff was on its premises on January 8, 2023. Defendant denies the remaining allegations contained within this paragraph of Plaintiff's Complaint.

9.

Defendant denies the allegations contained within this paragraph of Plaintiff's Complaint.

10

Defendant denies the allegations contained within this paragraph of Plaintiff's Complaint.

11.

Defendant denies the allegations contained within this paragraph of Plaintiff's Complaint.

12.

Defendant denies the allegations contained within this paragraph of Plaintiff's Complaint.

13.

Defendant realleges and incorporates by reference its answer and defenses to Paragraph 1 through 13 of Plaintiff's Complaint as through fully set for the herein.

14.

Defendant denies the allegations contained within this paragraph of Plaintiff's Complaint.

15.

Defendant admits the allegations contained within this paragraph of Plaintiff's Complaint to the extent that this is an accurate statement of law.

16.

Defendant admits the allegations contained within this paragraph of Plaintiff's Complaint.

17.

Defendant admits the allegations contained within this paragraph of Plaintiff's Complaint.

18.

Defendant denies the allegations contained within this paragraph of Plaintiff's Complaint.

19.

Defendant denies the allegations contained within this paragraph of Plaintiff's Complaint.

20.

Defendant denies the allegations contained within this paragraph of Plaintiff's Complaint.

21.

Defendant denies the allegations contained within this paragraph of Plaintiff's Complaint.

22.

Defendant denies the allegations contained within this paragraph of Plaintiff's Complaint.

23.

Defendant denies the allegations contained within this paragraph of Plaintiff's Complaint.

24.

Defendant realleges and incorporates by reference his/her answer and defenses to Paragraph 1 through 23 of Plaintiff's Complaint as through fully set for the herein.

25.

Defendant admits that it operates the stores located at the premises. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph of Plaintiff's Complaint and can neither admit nor deny same.

26.

Defendant admits the allegations contained within this paragraph of Plaintiff's Complaint to the extent that this is an accurate statement of law.

27.

Defendant admits the allegations contained within this paragraph of Plaintiff's Complaint to the extent that this is an accurate statement of law.

28.

Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph of Plaintiff's Complaint and can neither admit nor deny same.

29.

Defendant denies the allegations contained within this paragraph of Plaintiff's Complaint.

30.

Defendant denies the allegations contained within this paragraph of Plaintiff's Complaint.

31.

Defendant denies the allegations contained within this paragraph of Plaintiff's Complaint.

32.

Defendant denies the allegations contained within this paragraph of Plaintiff's Complaint.

33.

Defendant denies the allegations contained within this paragraph of Plaintiff's Complaint.

34.

Any allegation, language or paragraph of plaintiff's Complaint not hereinbefore responded to is specifically denied by defendant.

WHEREFORE, having fully answered plaintiff's Complaint, defendant prays:

- a) that plaintiff's Complaint be dismissed;
- b) that defendant have judgment in her favor;
- c) that defendant have a trial by jury of twelve persons; and
- d) that defendant have all other proper relief.

This 20<sup>th</sup> day of December, 2023.

WALDON ADELMAN CASTILLA  
MCNAMARA & PROUT

/s/ Ryland Avery  
Brian C. McCarthy  
Georgia Bar No. 001322  
Ryland S. Avery



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**CERTIFICATE OF COMPLIANCE**

The undersigned hereby certifies that the foregoing pleading complies with the font and point selections approved by the Court in Local Rule 5.1C. This brief has been prepared in Times New Roman font, 14 point.

WALDON ADELMAN CASTILLA  
MCNAMARA & PROUT

/s/ Ryland S. Avery

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GEORGIA BAR NO. 190643  
*Attorneys for Defendants*

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

WILLIE SCOTT,

Plaintiff,

v.

WAL-MART STORES EAST, L.P.,  
ABC CORPS #1-3, AND JOHN DOES #1-3)

Defendants.

CIVIL ACTION FILE NO.:

[Removed from  
The State Court of  
Clayton County;  
Civil Action File No.  
2023CV00978],

**CERTIFICATE OF SERVICE**

I hereby certify that, on this the *16th* day of October, 20223 I electronically filed the DEFENDANT WAL-MART STORES EAST, L.P.,S ANSWER AND DEMAND FOR JURY TRIAL with the Clerk of this Court using the CM/ECF system which will automatically provide notice of such filing via electronic mail to the following attorney(s) of record:

Toya Perkins, Esq.  
MORGAN & MORGAN ATLANTA PLLC  
PO Box 57007  
Atlanta, GA 30343-1007  
[tperkins@forthepeople.com](mailto:tperkins@forthepeople.com)

This 20<sup>th</sup> day of December, 2023.

WALDON ADELMAN CASTILLA  
MCNAMARA & PROUT

/s/Ryland Avery

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